



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 08 2007

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Hughes
Environmental Superintendent
Millennium Inorganic Chemicals, Inc.
2900 Middle Road
Ashtabula, OH 44004

Re: Finding of Violation and Notice of Violation for
Millennium Inorganic Chemicals (MIC) Plants 1 and 2

Dear Mr. Hughes:

This is to advise you that the United States Environmental Protection Agency (U.S. EPA) has determined that the Millennium Inorganic Chemicals, Inc. (MIC) Plant 1 at 2900 Middle Road and Plant 2 at 2426 Middle Road, Ashtabula, Ohio are in violation of the Clean Air Act (CAA) and associated state or local pollution control requirements. A list of the requirements violated is provided below. A Finding of Violation and Notice of Violation (FOV/NOV) for these violations is being issued and is enclosed for your review.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. To attain and maintain these standards, each State is required to develop an implementation plan. Among other things, each implementation plan must include a permit program to regulate the modification and construction of any stationary source of air pollution as necessary to assure that NAAQS are achieved. The State of Ohio has incorporated such a permitting program into its State Implementation Plan (SIP).

Section 111 of the CAA requires U.S. EPA to implement the New Source Performance Standards (NSPS) program. The NSPS are nationally uniform emission standards for new or modified stationary sources falling within industrial categories that significantly contribute to air pollution. The "Standards of Performance for Calciners and Dryers in Mineral Industries" at 40 C.F.R. Part 60, Subpart UUU (NSPS Subpart UUU), limits the emissions of particulate matter to 0.025 grain per dry standard cubic foot (gr/dscf) and the opacity to 10 percent for titanium dioxide spray dryers from any mineral processing plant constructed, reconstructed or modified after April 23, 1986. The mineral processing dryer NSPS also requires the owner and operator to monitor the opacity by either using a continuous monitoring system or performing daily observations using Method 9.

The NSPS "Standards of Performance for Stationary Gas Turbines" at 40 C.F.R. Part 60, Subpart GG, requires any owner or operator of a stationary gas turbine with a heat input at peak load equal to or greater than 10 million Btu per hour that was constructed, modified, or reconstructed after October 3, 1977, to properly use one of the sulfur monitoring procedures specified in 40 C.F.R. 60.335(d) to measure fuel sulfur content.

Part C of Title I of the CAA and the PSD regulations implementing Part C, at 40 C.F.R. § 52.21, prohibit a major stationary source from constructing a modification without first obtaining a PSD permit, if the modification is major in that it will result in a significant net increase in emissions of a regulated pollutant, and if the source is located in an area which has achieved the National Ambient Air Quality Standards (NAAQS) for that pollutant. Part C and its implementing regulations further require that a source subject to PSD regulations install BACT.

Title V, Section 502(a) of the CAA, 42 U.S.C. § 7661a(a) requires compliance with the terms of a Title V permit. Section 502(b) empowers the U.S. EPA to promulgate regulations establishing the minimum elements of a Title V permit program. The applicable regulation at 40 C.F.R. § 70.5(d) requires any compliance certification to contain truthful, accurate and complete information. Further, the applicable regulation at 40 C.F.R. § 70.7(b) requires any source subject to Title V to operate the source in compliance with Title V.

Section 608 of the CAA requires U.S. EPA to implement the Protection of Stratospheric Ozone program. The recordkeeping and reporting provisions of 40 C.F.R. Part 82 Subpart F require owners and operators to keep records, including but not limited to, the quantity and type of refrigerant purchased and added, as well as certifications for technicians. 40 C.F.R. § 82.166 requires owners and operators of appliances containing a class I or class II ozone-depleting substance (i.e., refrigerant) to keep all records for a minimum of three years and maintain these records on site.

U.S. EPA finds that MIC has violated the above listed CAA rules and regulations. Additionally, EPA finds that the MIC facility has violated the above listed Ohio SIP requirements as incorporated into MIC's Title V Permit and Permits to Install. Since MIC violated its Title V permit, you have also violated Title V of the CAA and its associated regulations which require compliance with the terms and conditions of Title V permits. Finally, in violating the Permits to Install, you have violated Title I of the CAA [part of the Act requiring Prevention of Significant Deterioration (PSD) of air quality] and its implementing regulations, which require compliance with the terms and conditions of PSD permits to install.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by MIC to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the FOV/NOV.

Before we decide which enforcement option is appropriate, Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the FOV/NOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contacts in this matter are Morgan Jencius, Kevin Vuilleumier, and Lynne Roberts. You may call them at (312) 886-2407, (312) 886-6188, and (312) 886-0250 respectively, if you wish to request a conference. EPA hopes that this FOV/NOV will encourage MIC's compliance with the requirements of the Clean Air Act.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen Rothblatt", with a large, sweeping flourish at the end.

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Agency

Christine McPhee, Inspector
Division of Air Pollution Control
Northeast District Office

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)	
)	
Millennium Inorganic)	NOTICE OF VIOLATION and
Chemicals, Inc. Plant 1)	FINDING OF VIOLATION
Ashtabula, Ohio)	
)	EPA-5-07-OH-15
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

NOTICE AND FINDING OF VIOLATION

Millennium Inorganic Chemicals, Inc. (you or MIC) owns and operates a chemical manufacturing plant referred to as Plant 1 located at 2900 Middle Road, Ashtabula, Ohio (Facility). The Facility produces titanium dioxide powder. Equipment at the Facility includes a chlorination process train "B" identified as Unit P006 and a titanium dioxide spray dryer "B" identified as Unit P007.

U.S. EPA is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to you for the following:

- (a) failure to comply with the requirements of the Prevention of Significant Deterioration Rules for Unit P006;
- (b) failure to comply with the requirements of the Ohio SIP for Unit P006;
- (c) failure to comply with the Protection of Stratospheric Ozone Rules;
- (d) failure to comply with the requirements of NSPS Subpart UUU for Unit P007;
- (e) failure to comply with the requirements of the Title V Operating Permit Program for Units P007; and
- (f) failure to comply with the requirements of applicable permits for Units P006 and P007.

The underlying statutory and regulatory requirements include provisions of the Clean Air Act (the Act or CAA), its implementing regulations and the Ohio State Implementation Plan (Ohio SIP).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in this FOV/NOV. This conference will provide you with a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

The following provisions of the CAA, its implementing regulations, the Ohio SIP, permits and permit conditions are relevant to this NOV/FOV:

Prevention of Significant Deterioration

Part C of Title I of the CAA and the PSD regulations implementing Part C, at 40 C.F.R. § 52.21, prohibit a major stationary source from constructing a modification without first obtaining a PSD permit, if the modification is major in that it will result in a significant net increase in emissions of a regulated pollutant, and if the source is located in an area which has achieved the National Ambient Air Quality Standards (NAAQS) for that pollutant. Part C and its implementing regulations further require that a source subject to PSD regulations install BACT.

On or about June 1991, the Facility installed Unit P006. On or about April 23, 1998, and October 10, 1998, the Facility conducted internal stack tests that showed maximum H₂SO₄ emissions from Unit P006 to be 2.31 lbs/hr and 4.48 lbs/hr respectively. Based on the stack test results, the Facility demonstrated potential annual emissions of H₂SO₄ of 19.71 tons per year. Based on the average H₂SO₄ emissions rate from the April and October 1998 stack tests and the actual hours of operation of Unit P006 for Calendar Year 2000 submitted by MIC to Ohio EPA, the actual H₂SO₄ emissions from Unit P006 were 9.48 tons per year. Thus, both the potential and actual emissions

exceeded the annual allowable PSD threshold of 7 tons per year.

Because of these potential and actual emissions, the Facility violated the PSD requirements by failing to apply for and obtain a PSD permit for the modifications.

Requirements of Ohio SIP

Permit to Install (PTI) rules in the Ohio SIP at Ohio Administrative Code (OAC) Rule 3745-31-02(A) require any person that installs a new source of air pollutants or modifies an air containment source to first obtain a PTI from the Ohio EPA.

OAC Rule 3745-31-04(A) requires the source to identify all applicable rules in the PTI application.

OAC Rule 3745-31-05(C) allows the Director of the Ohio EPA to impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality. Special terms and conditions in a PTI necessary to ensure compliance with requirements mandated by the Clean Air Act or regulations promulgated by the administrator thereunder, including synthetic minor emissions unit conditions that restrict the stationary source's potential to emit below major size cutoffs, shall be federally enforceable and designated as such in the PTI.

The Facility violated OAC Rule 3745-31-02(A) when it installed emissions unit P006 without first applying for and obtaining a PSD PTI that permitted emissions of sulfuric acid mist.

The Facility violated OAC Rule 3745-31-04(A) when it failed to identify all applicable requirements of NSPS Subpart UUU for the PTI application for unit P007 submitted on September 18, 1989.

The Facility violated OAC Rule 3745-31-05(C) and when it exceeded the permit limits in PTI 02-4450 by:

- i. failing to demonstrate compliance with the PM emission limit in for unit P007 during a stack test on September 22, 2004 (see Appendix A).
- ii. failing to demonstrate compliance with the CO and COS emissions from unit P006 during 2004, 2005, and 2006, as

demonstrated by the Facility's quarterly deviation reports (see Appendix B).

iii. failing to demonstrate compliance with the SO₂ and NO_x emissions from unit P006 during 2001 and 2004 cold startup events. These excess SO₂ and NO_x emissions during cold startup events are violations of the SO₂ and NO_x permit limits, as demonstrated by the Facility's quarterly deviation reports (see Appendix C).

Protection of Stratospheric Ozone

40 C.F.R. § 82.166 requires owners and operators of appliances containing a class I or class II ozone-depleting substance (i.e., refrigerant) to keep all records for a minimum of three years and maintain these records on site.

The Facility uses a class I or class II ozone-depleting substance, specifically chlorodifluoromethane, in its industrial process refrigeration unit as part of its chlorination process at the Facility.

The Facility violated the requirements of §82.166 by failing to provide records required to be maintained on site, as noted during the October 3-5, 2006, inspection.

National Standards of Performance for Mineral Processing Plants

40 C.F.R. Part 60, Subpart UUU (NSPS Subpart UUU) applies to any dryer at a mineral processing plant unit constructed, reconstructed, or modified after April 23, 1986. The Facility's natural gas-fired titanium dioxide spray dryer, identified as emission unit P007, is subject to NSPS Subpart UUU.

The general provisions to NSPS, Subpart A (40 C.F.R. §§ 60.1-60.19), which include notification, recordkeeping, testing, and monitoring requirements, also applies to any dryer at a mineral processing plant subject to NSPS Subpart UUU. The Facility's natural gas-fired titanium dioxide spray dryer, identified as emission unit P007, is subject to these general provisions.

The Facility violated the general provisions, specifically 40 C.F.R. § 60.7, by failing to timely comply with the initial notification requirement and failing to keep required records.

The Facility violated the general provisions, specifically § 60.8, and NSPS Subpart UUU, specifically § 60.736, by failing to timely conduct initial compliance demonstrations for PM emissions and opacity.

The Facility violated the requirements of NSPS Subpart UUU, specifically § 60.736, by exceeding the PM emission limit during a stack test on its P007 unit on September 22, 2004.

The Facility violated the requirements of NSPS Subpart UUU, specifically § 60.734, by failing to meet the monitoring requirements.

Title V Operating Permit Program

Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate the source except in compliance with its Title V permit.

40 C.F.R. § 70.5(a) provides that the source shall submit a timely and complete permit application in accordance with Part 70 requirements.

40 C.F.R. § 70.5(d) provides that any compliance certification shall contain certification by a responsible official of the truth, accuracy, and completeness.

40 C.F.R. § 70.7(b) provides that no source subject to Title V may operate the source except in compliance with a Title V permit.

The Facility violated the requirements of 40 C.F.R. § 70.5(a) and 40 C.F.R. § 70.7(b) on February 26, 1996, by failing to include the NSPS Subpart UUU applicability of its P007 unit in its Title V application to OEPA.

The Facility violated the requirements of 40 C.F.R. § 70.5(d) by failing to truthfully and accurately certify the compliance associated with the PM emission limit exceedance on September 22, 2004, and the noncompliance with the monitoring requirements of NSPS Subpart UUU for unit P007 in its Annual Compliance Certifications submitted in years 2005 and 2006.

Requirements of Applicable Permits

On August 4, 1993, Ohio Environmental Protection Agency (OEPA) issued a modified PTI 02-4450 for P006 and P007 to the Facility. The modifications became effective the same dates the permits were issued. The following are the P006 emission limits in the modified PTI 02-4450:

- i. SO₂ emissions shall not exceed 8.9 lbs/hr.
- ii. NO_x emissions shall not exceed 0.50 lb/hr.
- iii. CO emissions shall not exceed 12.7 lbs/hr and 55.7 tons/yr.

The P007 emission limit for PM in PTI 02-4450 is 1.11 lbs/hr.

OEPA issued Title V Permit 02-04-01-0200 (Title V Permit) to the Facility on January 21, 2004. The effective date of this Title V permit is February 11, 2004. The Title V Permit contains applicable limits and requirements for units referenced in the PTI above and the Ohio SIP.

The Facility violated the requirements of Title V and PTI 02-4450 by failing to demonstrate compliance with the PM emission limit for unit P007 during a stack test on September 22, 2004 (see Appendix A).

The Facility violated the requirements of Title V and PTI 02-4450 by failing to demonstrate compliance with the CO and COS emissions from unit P006 during 2004, 2005, and 2006, as demonstrated by its quarterly deviation reports (see Appendix B).

The Facility violated the requirements of Title V and PTI 02-4450 by failing to demonstrate compliance with the SO₂ and NO_x emissions from unit P006 during 2001 and 2004 cold startup events. These excess SO₂ and NO_x emissions during cold startup events are violations of the SO₂ and NO_x permit limits, as demonstrated by its quarterly deviation reports (see Appendix C).

Environmental Impact of Violations

Violation of PM standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage, and premature deaths.

Violation of NOx standards increases ground-level concentrations of ozone and nitrogen dioxide, both of which can cause respiratory inflammation, increased difficulty breathing, and lung damage. NOx emissions also contribute to acid rain, global warming, the formation of fine particles in the atmosphere, water quality deterioration, and visibility impairment.

Violation of SO₂ standards increases the amount of acid rain.

Violation of CO standards increases public exposure to CO, which can enter the bloodstream reducing oxygen delivery and can aggravate cardiovascular disease.

Violation of COS standards increases public exposure to COS, which is a hazardous air pollutant.

6/8/2007
Date



Stephen Rothblatt, Director
Air and Radiation Division

Appendix A:

Test Date	Emission Unit	Test Result	Emission Limit
September 22, 2004	P007	13.71 lbs of PM/hr	1.11 lbs of PM/hr

Appendix B:

Quarter/ Year	Emission Unit	# of Excess Emission Events	Duration of Excess Emissions	Range of Excess Emissions	Emission Limit
Q1 2004	P006	8	137 minutes	15 to 2425 lbs CO/hr	12.7 lbs CO/hr
Q2 2004	P006	22	379 minutes	23 to 2651 lbs CO/hr	12.7 lbs CO/hr
Q4 2004	P006	28	651 minutes	59 to 4132 lbs CO/hr	12.7 lbs CO/hr
Q2 2005	P006	9	321 minutes	225 to 3561 lbs CO/hr	12.7 lbs CO/hr
Q4 2005	P006	19	325 minutes	34 to 3095 lbs CO/hr	12.7 lbs CO/hr
Q1 2006	P006	12	383 minutes	42 to 8864 lbs CO/hr	12.7 lbs CO/hr
Q2 2006	P006	12	309 minutes	374 to 2287 lbs CO/hr	12.7 lbs CO/hr

Appendix C:

Year	Emission Unit	Emission Rate in Annual Fee Emission Report	Emission Limit
2001	P006	14.98 lbs SO2/hr during cold startup events	8.9 lbs SO2/hr
2001	P006	1.15 lbs NOx/hr during cold startup events	0.5 lb NOx/hr
2004	P006	14.98 lbs SO2/hr during cold startup events	8.9 lbs SO2/hr
2004	P006	1.15 lbs NOx/hr during cold startup events	0.5 lb NOx/hr

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)	
)	
Millennium Inorganic)	NOTICE OF VIOLATION and
Chemicals, Inc. Plant 2)	FINDING OF VIOLATION
Ashtabula, Ohio)	
)	EPA-5-07-OH-16
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

NOTICE AND FINDING OF VIOLATION

Millennium Inorganic Chemicals, Inc. (you or MIC) owns and operates a chemical manufacturing plant referred to as Plant 2 located at 2426 Middle Road, Ashtabula, Ohio (Facility). The Facility produces titanium dioxide powder. Equipment at the Facility includes titanium dioxide production equipment identified as Unit P001; recovery of ore and coke process equipment identified as Unit P011; a titanium dioxide spray dryer no. 2 identified as Unit P013; a baghouse associated with the ore and coke unloading, storage, and handling operations identified as Unit P903; a Train A micronizer system identified as Unit P904; and five natural gas-fired combustion turbines identified as Units B013, B014, B015, B016, and B017.

U.S. EPA is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to you for the following:

- (a) failure to comply with the requirements of the Ohio SIP for Units P903 and P904;
- (b) failure to comply with the requirements of NSPS Subpart GG for Units B013, B014, B015, B016, and B017;
- (c) failure to comply with the requirements of NSPS Subpart UUU for Unit P013;
- (d) failure to comply with the requirements of the Title V Operating Permit Program for Units P013 and P903; and

(e) failure to comply with the requirements of applicable permits for Units P001, P011, P903, P904, B013, B014, B015, B016, and B017.

The underlying statutory and regulatory requirements include provisions of the Clean Air Act (the Act or CAA), its implementing regulations and the Ohio State Implementation Plan (Ohio SIP).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV/NOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

The following provisions of the CAA, its implementing regulations, the Ohio SIP, permits and permit conditions are relevant to this NOV/FOV:

Requirements of Ohio SIP

Permit to Install (PTI) rules in the Ohio SIP at OAC Rule 3745-31-02(A) require any person that installs a new source of air pollutants or modifies an air containment source to first obtain a permit to install from the Ohio EPA.

OAC Rule 3745-31-04(A) requires the source to identify all applicable rules in the PTI application.

OAC Rule 3745-31-05(C) allows the Director of the Ohio EPA to impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality. Special terms and conditions in a PTI necessary to ensure compliance with requirements mandated by the Clean Air Act or regulations promulgated by the administrator thereunder, including synthetic minor emissions unit conditions that restrict the stationary

source's potential to emit below major size cutoffs, shall be federally enforceable and designated as such in the PTI.

OAC Rule 3745-17-07(A) states that visible particulate emissions from any stack shall not exceed twenty percent opacity, as a six-minute average, using Method 9. Visible particulate emissions from any stack may exceed twenty percent opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed sixty percent opacity, as a six-minute average, at any time, using Method 9.

The Facility violated the requirements of the Ohio SIP when Unit P904 emitted visible emissions from baghouse FG-44A greater than 20% opacity on July 22, 2005.

The Facility violated the requirements of the Ohio SIP when the baghouse failed, resulting in a malfunction and visible emissions with opacity of 33%, which is greater than 20%, from Unit P903 on June 23, 2004.

The Facility violated OAC Rule 3745-31-04(A) when it failed to identify all applicable requirements of NSPS Subpart UUU for the PTI application for unit P013 submitted on June 16, 1994.

The Facility violated OAC Rule 3745-31-05(C) when it exceeded the permit limits for:

- i. PTI 02-08387 based on the results of the November 12, 2002, stack test because the demonstrated CO emission rate for Unit P011 is greater than the permitted limits.
- ii. PTI 02-14921 when Unit P904 emitted visible emissions from baghouse FG-44A greater than 20% opacity on July 22, 2005.
- iii. PTI 02-16459 when a water flow rate meter for Unit P001 failed to operate on August 12, 2005.
- iv. PTI 02-3197 when it failed to properly use one of the sulfur monitoring procedures specified in 40 C.F.R. § 60.335(d) to measure fuel sulfur content for Units B013, B014, B015, B016, and B017 for calendar year 2004.

National Standards of Performance for Stationary Gas Turbines

40 C.F.R. Part 60, Subpart GG (NSPS Subpart GG) applies to any stationary gas turbine with a heat input at peak load equal to or greater than 10 million Btu per hour that was constructed, modified, or reconstructed after October 3, 1977. The Facility's natural gas-fired combustion turbines identified as B013, B014, B015, B016, and B017, are subject to NSPS Subpart GG.

The Facility violated the requirements of NSPS Subpart GG when it failed to properly use one of the sulfur monitoring procedures specified in 40 C.F.R. 60.335(d) to measure fuel sulfur content for Units B013, B014, B015, B016, and B017 for calendar year 2004.

National Standards of Performance for Mineral Processing Plants

40 C.F.R. Part 60, Subpart UUU (NSPS Subpart UUU) applies to any dryer at a mineral processing plant unit constructed, reconstructed, or modified after April 23, 1986. MIC's natural gas-fired titanium dioxide spray dryer, identified as emission Unit P013, is subject to NSPS Subpart UUU.

The general provisions to NSPS, Subpart A (40 C.F.R. §§ 60.1-60.19), which includes notification, recordkeeping, testing, and monitoring requirements also applies to any dryer at a mineral processing plant subject to NSPS Subpart UUU. MIC's natural gas-fired titanium dioxide spray dryer, identified as emission Unit P013, is subject to these general provisions.

The Facility violated the general provisions, specifically 40 C.F.R. § 60.7, by failing to timely comply with the initial notification requirement and failing to keep required records.

The Facility violated the general provisions, specifically 40 C.F.R. § 60.8, and NSPS Subpart UUU, specifically 40 C.F.R. § 60.736, by failing to timely conduct the initial compliance demonstrations for PM emissions and opacity.

The Facility violated the requirements of NSPS Subpart UUU, specifically 40 C.F.R. § 60.734, by failing to meet the monitoring requirements.

Title V Operating Permit Program

Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate the source except in compliance with its Title V permit.

40 C.F.R. § 70.5(a) provides that the source shall submit a timely and complete permit application in accordance with Part 70 requirements.

40 C.F.R. § 70.5(d) states that any compliance certification shall contain certification by a responsible official of the truth, accuracy, and completeness.

40 C.F.R. § 70.7(b) states that, no source subject to Title V may operate the source except in compliance with a Title V permit.

The Facility violated the requirements of 40 C.F.R. § 70.5(a) and 40 C.F.R. § 70.7(b) when it failed to provide information regarding the NSPS Subpart UUU applicability for Unit P013 in its Title V Permit application submitted on February 26, 1996.

The Facility violated the requirements of 40 C.F.R. § 70.5(d) because it failed to truthfully and accurately certify the compliance associated with the June 23, 2004, malfunction of Unit P903 in the 2005 Title V Annual Compliance Certification Report.

Requirements of Applicable Permits

On July 27, 1994, OEPA issued the Facility an initial PTI 02-08387 for the recovery of ore and coke process, identified as P011. OEPA issued the Facility a modified PTI 02-08387 for P011 on May 16, 2002. The modified PTI 02-08387 contains a CO emission limit for Unit P011 which provides that CO emissions shall not exceed 2.30 lbs/hr.

On February 9, 2000, OEPA issued the Facility PTI 02-3197 for Units B013, B014, B015, B016, and B017. Operational requirements for units B013, B014, B015, B016, and B017 include: Compliance

with the fuel sulfur limit of 0.8% shall be determined in accordance with the procedures specified in 40 C.F.R. 60.335(d).

On July 24, 2001, OEPA issued the Facility PTI 02-14921 for a modification to classify four micronizer trains and a Titanium Dioxide Reclaim System, which were previously associated with Unit P901, as separate emission units. PTI 02-14921 provides that the PM emission limit from any stack egress for Unit P904 shall not exceed 20% opacity as a 6-minute average.

On July 5, 2002, OEPA issued a the Facility PTI 02-16459, which provides that Unit P001 shall be properly operated and maintained to monitor and record the water flow rate of the packed column, caustic scrubber (unit DA-402) on a once per 12-hour basis.

OEPA issued Title V Permit 02-04-01-0193 (Title V Permit) to the Facility on December 18, 2002. The effective date of this Title V permit is January 8, 2003. The Title V Permit contains applicable limits and requirements for units referenced in each PTI above, the Ohio SIP, and NSPS Subpart GG.

The Facility violated the requirements of its Title V Permit and PTI 02-08387, based on the results of the November 12, 2002, stack test because the demonstrated CO emission rate for Unit P011 is greater than the permitted limits.

The Facility violated the requirements of its Title V Permit and its PTI 02-14921 when Unit P904 emitted visible emissions from baghouse FG-44A greater than 20% opacity on July 22, 2005.

The Facility violated the requirements of its Title V Permit when the baghouse failed, resulting in a malfunction and visible emissions with opacity greater than 20% from Unit P903 on June 23, 2004.

The Facility violated the requirements of its Title V Permit and its PTI 02-16459 when a water flow rate meter for Unit P001 failed to operate on August 12, 2005.

The Facility violated the requirements of its Title V Permit and its PTI 02-3197 when it failed to properly use one of the sulfur monitoring procedures specified in 40 C.F.R. § 60.335(d) to

measure fuel sulfur content for Units B013, B014, B015, B016, and B017 for calendar year 2004.

Environmental Impact of Violations

Violation of the opacity and PM standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage, and premature deaths.

Violation of NOx standards increases ground-level concentrations of ozone and nitrogen dioxide, both of which can cause respiratory inflammation, increased difficulty breathing, and lung damage. NOx emissions also contribute to acid rain, global warming, the formation of fine particles in the atmosphere, water quality deterioration, and visibility impairment.

Violation of SO₂ standards increases the amount of acid rain.

Violation of CO standards increases public exposure to CO, which can enter the bloodstream reducing oxygen delivery and can aggravate cardiovascular disease.

6/8/2007

Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice and Finding of Violation, No. EPA-5-07-OH-15 and No. EPA 5-07-OH-16, by Certified Mail, Return

Receipt Requested, to:

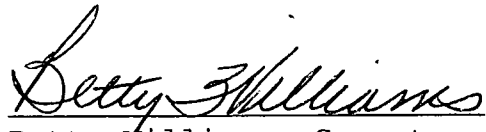
Mr. Richard Hughes
Environmental Superintendent
Millennium Inorganic Chemicals, Inc.
2900 Middle Road
Ashtabula, OH 440047

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Agency
Lazarus Government Center
122 South Front Street
Columbus, Ohio 43216-1049

Christine McPhee, Inspector
Division of Air Pollution Control
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

on the 11th day of June, 2007.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 8920 2016.